

of Group I, Claims 1-12 and 20-31, and request reconsideration and withdrawal of the restriction requirement.

REMARKS

In the Office Action, a restriction was required between Claims 1-12 and 20-31, drawn to a laser diode system (Group I) and Claims 13-19 and 32-38, drawn to a method for using a laser diode system (Group II). The Office Action noted that inventions II and I are related as process and apparatus for its practice, but asserted that the apparatus as claimed can be used to practice another and materially different process, stating that specifically, "the output light beam from the diffraction grating can be passed into a cell of a laser device with a liquid amplifying medium." The Office Action also stated that the inventions of the method and apparatus have acquired separate status in the art as shown by the different classifications.

It is respectfully requested that this restriction requirement be withdrawn.

While the subject matter of apparatus and method claims may be classified into separate subclasses for administrative purposes, that does not necessarily indicate that the method and apparatus claims are directed to a different invention, nor does it indicate that a separate and non-overlapping search would be required with respect to the two types of claims. The Office Action indicated that both sets of claims are classified in the same class, differing only by the subclass in which they would be classified. Thus, a search directed to one of the sets of claims should cover subject matter classified in the other subclass directed to the other type of claims. Moreover, the paper search files in the public search room of the Patent and Trademark Office may be eliminated in the future, so that searching by the public, at least, in the future would be done entirely through computerized databases. Since computerized database searches are primarily conducted by keywords and other searching techniques rather than by Patent Office

class and subclass, any search directed to the apparatus claims must inevitably overlap if not be coextensive with a search directed to the method claims.

The applicants also submit that the apparatus as claimed cannot be used to practice another and materially different process. The example of such a process cited in the Office Action was to utilize the output light beam from the diffraction grating passed into a cell of a laser device with a liquid amplifying medium. While the apparatus as defined in the apparatus claims presumably could be used to carry out such a process, that is a process in addition to what is defined in the claims, not a different process than what is defined in the process claims. For example, independent method Claim 13 specifies in subparagraph (b) "... directing a portion of the beam from the grating back on the beam path to the collimating element and focussing the beam on a laser diode to provide feedback thereto to narrow the spectral range of the laser light output." This is a feature which is required in apparatus Claim 1, and while the output beam from the apparatus of Claim 1 can be passed into a cell of a laser device with a liquid amplifying medium, so can the portion of the beam from the diffraction grating that is not fed back to the collimating element, as specified in Claim 13. The claims dependent on Claims 1 and 13 have similar comparable features. Similarly, in method Claim 32 the output beam from the diffraction grating when carrying out the method of Claim 32 could also be passed into a cell of a laser device with a light amplifying medium. Doing so is a step in addition to the steps called for in method Claim 32, rather than a different method.

For the foregoing reasons, it is requested that the restriction requirement between Groups I and II be withdrawn.

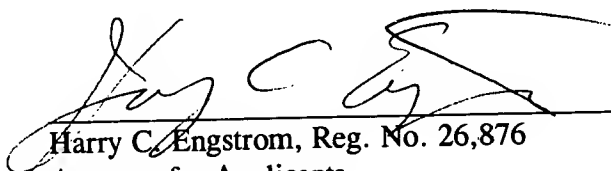
The Office Action also stated that the application contains claims directed to patentably distinct species of the claimed invention as shown in Figs. 7, 8 and 9, and a

requirement was made to elect a single disclosed species for prosecution on the merits if no generic claim is finally held to be allowable. The Office Action stated that currently, no claims are generic.

In response to this requirement, applicants note first that the invention is exemplified in all of the figures of the application, not just in Figs. 7, 8 and 9, and the claims are drawn to read on embodiments exemplified by all of these figures. See, e.g., Figs. 2, 4 and 5 in addition to Figs. 7, 8 and 9. To fully respond to the Office Action, applicants will make a provisional election with respect to Fig. 7, but respectfully request that this requirement be withdrawn. The following claims can be read upon Fig. 7: Claims 1, 7, 10, 11, 13, 17, 18, and 19. Furthermore, it is asserted that Claims 1 and 13 are generic to all exemplary embodiments of the invention.

For the foregoing, reasons, it is submitted that the restriction requirement should be withdrawn and that all of the claims in the application should be ready for substantive examination.

Respectfully submitted,



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